

CITY OF BEDFORD

Bedford, Virginia

Regular Council Meeting

A G E N D A

July 26, 2005

7:30 p.m.

Administrative

Approval of Minutes
Report of City Manager
Council Comments
Report of Council Committees
Revisions to Agenda

Public Hearings

Consent Agenda

Old Business

New Business

1-ST-7-1-7-26

Acceptance of Deed from Commonwealth of Virginia Conveying
Rights-of-Way on Route 460

2-W/S-9-1-7-26

Resolution – Rescinding the Moratorium on Water and Sewer
Connections

Closed Session pursuant to Section 2.2-3711 (a) (7) of the Code of
Virginia of 1950, as amended, for consultation with legal counsel

**CITY OF BEDFORD, VIRGINIA
CITY COUNCIL
ACTION FORM**

ITEM: Acceptance of Deed from Commonwealth of Virginia Conveying Rights-of-Way on Route 460

DATE OF COUNCIL MEETING: July 26, 2005

DATE: July 15, 2005

PRESENTATION:

The Virginia Department of Highways and Transportation, in 1998, proposed the design and location of improvements to East Main Street involving the widening to four lanes between the 297 Minute Mart and the Route 460 bypass.

Virginia Code Section 33.1-89 provides that the Commonwealth Transportation Commissioner is vested with power to acquire real estate deemed to be necessary for the construction of public highways in the Commonwealth and is authorized, when requested by a municipality, to convey the title so acquired to the municipality upon completion of the project.

The Virginia Department of Transportation has completed construction of improvements and has tendered to the City a Quit Claim Deed dated March 8, 2005 conveying a portion of the right-of-way on which the highway project is constructed. The additional right of way consists of small parcels along the old right of way and a storm water drainage facility on the north side of the road across from Reynolds Park.

The City Attorney has prepared an Approval and Acceptance of Conveyance to be executed by the Mayor, the City Clerk, and the City Attorney, formally accepting the deed. Recordation of this instrument will comply with state law requirements that the City Attorney approve the form of any deed to the City and that any deed conveying land to the City be approved by the City either on the face of the deed or in a separate document.

The City Attorney has prepared a resolution to be passed by the City Council authorizing the formal approval and acceptance of the conveyance.

ACTION REQUESTED:

City Council is requested to adopt the resolution approving and accepting the deed of conveyance from the Commonwealth of Virginia conveying right-of -way on Route 460.

		YES	NO	OTHER	ROUTING		
DATE: _____	FLOOD	()	()	()	CITY ATTY.	()	HR ()
	HUBBARD	()	()	()	CITY TREAS.	()	PKS/REC/CEM ()
APPROVED ()	MESSIER	()	()	()	COMM.DEV.	()	POLICE ()
DENIED ()	PADGETT	()	()	()	COMM.REV.	()	PUBLIC WKS. ()
DEFERRED TO:	STANLEY	()	()	()	ELECTRIC	()	SEWER ()
_____	THARP	()	()	()	ENGINEERING	()	WATER ()
	WANDREI	()	()	()	FINANCE	()	OTHER: _____
					FIRE DEPT.	()	

**RESOLUTION APPROVING AND ACCEPTING CONVEYANCE OF REAL ESTATE
CONSTITUTING PART OF RIGHT-OF-WAY STATE ROUTE 460 BEING
CONVEYED BY COMMONWEALTH OF VIRGINIA**

WHEREAS, the Virginia Department of Highways and Transportation, in 1998, proposed the design and location of improvements to East Main Street involving the widening to four lanes between the 297 Minute Mart and the Route 460 bypass; and

WHEREAS, Virginia Code Section 33.1-89 provides that the Commonwealth Transportation Commissioner is vested with power to acquire real estate deemed to be necessary for the construction of public highways in the Commonwealth and is authorized, when requested by a municipality, to convey the title so acquired to the municipality upon completion of the project; and

WHEREAS, by resolution adopted on July 28, 1998, the Council for the City of Bedford approved the location and major design features of the proposed project and requested the Virginia Department of Highways and Transportation to acquire all necessary rights-of-way for the project and to convey the rights-of-way to the City at the appropriate time; and

WHEREAS, The Virginia Department of Transportation (formerly Department of Highways and Transportation) has completed the improvements and has tendered to the City a Quit Claim Deed dated March 8, 2005 conveying a portion of the right-of-way on which the highway project is constructed; and

WHEREAS, The City Attorney has reviewed the tendered deed and has recommended that the Council, pursuant to Virginia Code Section 15.2-1803, accept the deed and record a certificate to that effect in accordance with the statutory provisions for acceptance of deeds of conveyance to municipal corporations.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF BEDFORD:**

1. The City Council hereby approves acceptance of the Quit Claim Deed from the Commonwealth of Virginia, acting by and through its Commonwealth Transportation Commissioner, dated March 8, 2005 conveying portions of the right-of-way of Virginia Route 460.
2. The Mayor, the City Clerk, and the City Attorney are hereby authorized and directed to execute for recordation an Approval and Acceptance of conveyance indicating such acceptance pursuant to Virginia Code Section 15.2-1803.
3. This Resolution shall take effect immediately.

**CITY OF BEDFORD, VIRGINIA
CERTIFICATE OF APPROVAL AND ACCEPTANCE OF CONVEYANCE OF
REAL ESTATE CONSTITUTING PART OF RIGHT-OF-WAY OF
INDEPENDENCE BOULEVARD BEING CONVEYED BY COMMONWEALTH OF
VIRGINIA (VIRGINIA CODE SECTION 15.2-1803)**

The undersigned Mayor and City Attorney of the City of Bedford, Virginia, hereby certify as follows:

1. William W. Berry, IV, City Attorney for the City of Bedford, Virginia, hereby certifies that he has approved as to form the Quit Claim Deed from the Commonwealth of Virginia to the City of Bedford, Virginia, dated March 8, 2005, which conveys to the City of Bedford all of the lands lying on both sides of the centerline of Route 460 and the left and right limits of the existing and proposed right-of-way lines including connections to various streets and permanent easements (State Highway Project 0460-141-102, RW-201.)

2. The Mayor of the City of Bedford, Virginia, on behalf of the City hereby accepts delivery of the said Quit Claim Deed from the Commonwealth of Virginia to the City of Bedford, Virginia dated March 8, 2005, conveying the property therein described.

3. This certification has been authorized by a resolution duly adopted by the City Council of the City of Bedford at a regular meeting held on July 26, 2005.

WITNESS THE FOLLOWING SIGNATURES AND SEALS:

CITY OF BEDFORD

By: _____
Its Mayor

SEAL

ATTEST:

Clerk of City Council

Accepted on behalf of the City:

E. Thomas Messier, Mayor

Approved as to form:

William W. Berry, IV, City Attorney

COMMONWEALTH OF VIRGINIA
CITY OF BEDFORD, to-wit:

I Debra B. Anderson, a Notary Public in and for the State of Virginia at large, do certify that E. Thomas Messier and Teresa W. Hatcher, Mayor and Clerk of City Council respectively, of the City of Bedford, a municipal corporation, whose names are signed to the foregoing Certificate of Approval and Acceptance of Conveyance have acknowledged the same before me on behalf of the City of Bedford.

Given under my hand this ____ day of July 2005.

Notary Public

My commission expires April 30, 2005.

**CITY OF BEDFORD, VIRGINIA
CITY COUNCIL
ACTION FORM**

ITEM: Resolution – Rescinding the Moratorium on Water and Sewer Connections

DATE OF COUNCIL MEETING: July 26, 2005

DATE: July 22, 2005

PRESENTATION:

The City enacted a resolution on June 13, 1989, establishing a moratorium on any new connections to its water and wastewater systems outside the corporate limits of the City. The rationale for the resolution was concern over capacity at the City's water and wastewater treatment plants.

In the years since the moratorium was enacted, the City has determined that it does have sufficient capacity to allow for additional connections outside the corporate limits of the City, but the moratorium resolution has never been rescinded. As the City is currently in discussion with the Bedford County Public Service Authority to provide water and sewer service to residents and businesses outside the corporate limits of the City, this resolution needs to be rescinded in order to allow these discussions to proceed.

A resolution rescinded the moratorium resolution is attached for your review and consideration.

ACTION REQUESTED:

City Council is requested to adopt the attached resolution, rescinding the moratorium resolution on water and sewer connections outside the corporate limits of the City.

		YES	NO	OTHER	ROUTING	
DATE: _____	FLOOD	()	()	()	CITY ATTY.	() HR ()
	HUBBARD	()	()	()	CITY TREAS.	() PKS/REC/CEM ()
APPROVED ()	MESSIER	()	()	()	COMM.DEV.	() POLICE ()
DENIED ()	PADGETT	()	()	()	COMM.REV.	() PUBLIC WKS. ()
DEFERRED TO:	STANLEY	()	()	()	ELECTRIC	() SEWER ()
_____	THARP	()	()	()	ENGINEERING	() WATER ()
	WANDREI	()	()	()	FINANCE	() OTHER: _____
					FIRE DEPT.	()

**A RESOLUTION RESCINDING THE MORATORIUM ON
WATER AND SEWER CONNECTIONS OUTSIDE THE
CORPORATE LIMITS OF THE CITY**

WHEREAS, the City Council of the City of Bedford enacted a Resolution on June 13, 1989, establishing a moratorium on any new connections outside the corporate limits of the City to its water and sewer systems; and

WHEREAS, the reason stated for the moratorium was concern over capacity issues with the City's water and wastewater treatment plants; and

WHEREAS, the City has determined that it has sufficient capacity at both its water and wastewater treatment plants to allow for additional customers outside the corporate limits of the City; and

WHEREAS, the City desires to provide water and wastewater services to those who may be adjacent to existing City water and sewer lines in Bedford County;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Bedford that the Resolution establishing the water and sewer moratorium on June 13, 1989, is hereby rescinded; and

BE IT FURTHER RESOLVED that a copy of this Resolution be provided to the Bedford County Public Service Authority and to the County of Bedford, with the understanding that the City will allow for requests for water and sewer service for those who are adjacent to existing City water and sewer lines in Bedford County, effective as of July 27, 2005.